

Public Works Directors Association Meeting
Wednesday, March 12, 2008 9:00-11:00 a.m.
GPCOG Conference Room

Present: Bob Malley – Acting-Chair, (Cape Elizabeth); Shawn Bennett, Vice-chair, (Pownal); Bob Burns (Gorham); Doug Fortier (Windham); Roger Mosley (Standish); Adam Ogden (Cumberland).

Staff and Guests: David Barrett (Maine Municipal Association); Sue McIntyre (GPCOG)

1. **Welcome and Introductions** – Bob Malley (Acting-Chair) for Erik Street - Chairman
Bob Malley called the meeting to order at 9:07 a.m. and welcomed those present.
2. **Acceptance of Minutes from January 9th, 2008 Meeting**
Roger Mosley made a motion for approval of the January 9th, 2008 meeting minutes, seconded by Bob Burns. All were in favor. Minutes were unanimously approved.
3. **Speaker:** David Barrett – Maine Municipal Association
Roundtable Discussion: *Employee evaluations and recordkeeping*
Bob introduced David Barrett, from the Maine Municipal Association. He is also MMA's Director of Personnel for 112 employees. In addition, Mr. Barrett also provides services to municipalities with respect to collective bargaining, training of personnel, and the hiring of city managers.

A packet entitled "Personnel Files, Proper Disciplinary Procedures and Dealing with Problem Employees" dated March 13, 2008, for Portland Area Public Works Directors Meeting was distributed to the group. Mr. Barrett provided an overview of the packet as well as record keeping topics.

Among some of the key aspects of the packet noted and discussed:

- What goes into a personnel file and what does not.
- Who and what entities may have access to the file.
- What are public access rules
- The personnel file belongs to the municipality (not the employee's).
- The employee has an interest but it is not his file. It is the town's and public works' director's file.
- Employees have the right to see the contents of their file at a reasonable time that can be arranged to go see it.
- You cannot charge an employee for the first copy of their personnel file.
- Union representatives can request pieces of an employee's file that pertains to an issue that they are dealing with such as checking and/or monitoring paying overtime or whether an employee is being treated differently or unfairly for the same action and/or situation.
- Union representatives/attorneys can request items for comparison related items and have the right to look at selective material.

Among some of the items that are kept in personnel file:

- Job description and payroll information/increases, etc.
- A clear wage history or changed classification, as applicable. (ie., truck driver went from Class A to Class B).
- Any bonuses or any kind of non-compensation item such as educational incentives, etc.
- Employee acknowledgement forms. These are signed when employees attend an in-service or employee training session on topics such as sexual harassment, computer use policies, etc., or for the receipt of an employee handbook.
- If there is any purging language in your collective bargaining agreement, records that haven't been purged ought not to be in the file. If there is no purging language, then all disciplinary items should be in the file.
- Items relating to medical information due to a disability or workmen's compensation should be kept in a sealed envelope in the file.

With respect to employee rights, employees have a right to see their file but should have access to it in the presence of another staff person, preferably someone from HR. Any disciplinary action that goes into an employee's file should be signed by the employee. If an employee refuses to sign, it can be documented that they have refused to sign it. If that happens, it would be advised that someone else be in attendance. If a rebuttal is made by an employee, it goes with the underlying document.

As to what constitutes a physical file, Mr. Barrett said that any records concerning an employee is part of that employee's personnel file, no matter where it is stored. If you have a "tickler" file of your own, avoid editorializing. This includes any notes about an employee kept in a calendar, diary, a palm pilot, etc. Anything that is written down is legally accessible by an employee or an attorney. Keep records in a professional manner.

Other topics discussed included access to personnel files, referrals, performance evaluations, etc. In the smaller towns, selectmen may have more access to personnel files because oftentimes there is no town manager or administrator. Otherwise, selectmen and city councilors are considered members of the public and should not have anymore right than anyone else from the public to see an employee's files. With respect to any requests made by a selectman in a small town, it is probably best to ask what specific topic they are interested in viewing, and follow-thru with that single piece of information.

As to how long items should be kept in the personnel file, Mr. Barrett said that if there are no grievances pending concerning a job description, then only the current version of the job description should be kept. With respect to collective bargaining, if there is a grievance pending regarding a job description, then follow the applicable collective bargaining agreement policies. Among items that must be kept for 60 years are things such as employment history (including dates of employment, salary history, full time/part time status), as well as courses and workshops completed by employees

Mr. Barrett then directed the group to another packet handout entitled "Performance Evaluations" dated January 16, 2008. It is important to "demystify" the performance evaluation by making an effort to schedule them on a regular basis such as on an employee's employment anniversary date. An effort should also be made to help the employee understand the process.

Other than compensation, one of the goals of an evaluation is to sustain good behavior or to correct substandard behavior. It is important to work out a plan for the employee to improve, if applicable. You must show and document that management has met with employee and discussed any "substandard behavior" or "substandard work" and that the employee has been given an opportunity to correct it in a timely fashion. If training or re-education is needed, it should be documented that you have sent them for that training. There has to be a record to show that opportunities were given and that the evaluation and plan was signed by the employee. Other items discussed included rules of discipline and protocol, as well as, verbal feedback from other employees regarding another employee and how to judge the reliability of this type of feedback.

There are a huge number of employee evaluation forms on the internet. It is better to pick the exact form that has the format and style that works for you. It could include items such as what has been accomplished, things that have gone well, goals, etc. It is also good to ask the employee for feedback and insight on what their goals are, etc. This allows them to be part of that conversation. If you are using a form with numbers and you circle a low number like a 1 or 2, then you should provide a description with that and how to improve. The direct supervisor should always be part of the evaluation and the employee should always be given a copy of his performance evaluation. It was noted that once people get to a certain threshold after so many years, they can be doing a great job, but the job is what it is and has no upward opportunities. Evaluations give you an opportunity to give your good employees feedback on their good record so that they know that their efforts are not being missed. Positive reinforcement can go a long way. A short discussion followed pertaining to bargaining units and pay scales. In summary, Mr. Barrett noted that detailed information on all of these topics can be found in the two packet handouts. Bob thanked David for coming in to speak to the group.

4. **Announcements** There were no announcements made.

5. **Other Business**

A discussion began pertaining to road salt. There were times during the past few weeks where towns have been extremely rationed and it has been very frustrating. Rumors were circulating that International Salt had the salt but was selling it to others including the DOT. The group briefly discussed considering a regional stockpile. It might be wise to factor in an extra 10% more in estimates for next year. There was consensus among the group to continue the conversation with Carol when she returns from vacation.

6. **Next Meeting – April 9th, 2008**

7. **Adjourn**

The meeting adjourned at 11:05 a.m.